

IN THE DISTRICT COURT OF THE UNITED STATES  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
ASHEVILLE DIVISION

CRIMINAL NO. 1:99CR112

UNITED STATES OF AMERICA

VS.

ERIC PENLAND

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ORDER

**THIS MATTER** is before the Court *sua sponte*.

The Defendant was sentenced by the undersigned on March 19, 2001, to a prison term of 168 months for conspiracy to possess with intent to distribute cocaine base. **Judgment in a Criminal Case, filed March 28, 2001.** On March 12, 2009, the Probation Office filed a Supplement to the Defendant's presentence report pursuant to the Crack Cocaine Guideline Amendment. **Supplement to the Presentence Report, filed March 12, 2009.** The Probation Office advises that although Defendant is eligible for a two-level reduction in his offense level pursuant to Amendment 706, his guideline range remains 360 months to life imprisonment. *Id.* Therefore, the Probation Office has determined the

Defendant would not receive a reduction in his sentence. *Id.* Because this recommendation is adverse to the Defendant, the Court will require a response from counsel.

**IT IS, THEREFORE, ORDERED** that Defendant's counsel file response to the Supplement to the Presentence Report within 45 days from entry of this Order.

Signed: April 3, 2009

A handwritten signature in dark ink, appearing to read 'L. H. Thornburg', is written over a horizontal line.

Lacy H. Thornburg  
United States District Judge

